

Amendment Under 37 C.F.R. § 1.111 w/annotated drawing sheets
USSN 10/671,609
Attorney Docket Q77785
April 14, 2005

REMARKS

Claims 1-10 are all the claims pending in the application.

In the last Office Action Claims 6 and 7 were objected to since the two separate corresponding complementary ends were not sufficiently identified. Claims 6 and 7 have amended in accordance with the Examiner's suggestion to overcome the noted indefiniteness. In addition, Claims 1 and 4 have been amended to identify the basket container associated with the base as a "first basket container" to distinguish it from the "second basket container" referred to in subsequent dependent claims.

In the last Office Action Claims 1-8 inclusive were rejected under 35 U.S.C. § 102(b) as being anticipated by Lauto US 5,427,394. Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lauto in view of Nasgowitz US 4,632,412. Claims 6 and 7 were further rejected under 35 U.S.C. § 103(a) as being unpatentable over Lauto. While Claims 9 and 10 were not specifically rejected, the subject matter of Claim 10 was discussed in the basic rejection of Claims 1-8 inclusive under 35 U.S.C. § 102(b) as being anticipated by Lauto. It is believed that the rejection of Claim 8 under 35 U.S.C. § 103(a) as being unpatentable over Lauto in view of Nasgowitz should have been Claim 9 since Nasgowitz was applied to overcome the limitations of Claim 9. Reconsideration and allowance of Claims 1-10 are respectfully requested in view of the following remarks.

The present invention is directed to a shopping cart with a support structure having a removable intermediate portion permitting the shopping cart to be adapted to people of different

heights. More specifically the support structure comprises a base with wheels for movement on a support surface and an upwardly projecting portion. The intermediate portion is removably attached to the upright projecting portion of the support structure and a thrust part or handle means is detachably connected to either the intermediate upright element or to the base. When the intermediate upright element is used it is possible to have a second basket container disposed above the first basket container. The shopping cart disclosed in the Lauto patent is designed in a modular fashion to be easily disassembled into several baskets used to carry purchased items from the supermarket without the need of shopping bags. To achieve this result the shopping cart according to Lauto comprises a wheeled basket and at least another basket superimposed thereto and means for releasably maintaining the baskets in an upright stacked configuration. The means for maintaining the baskets in the stacked upright configuration comprised of a pair of tubular elements extending through the basket with the lower end fixed to the lower basket and the upper end terminating with handles. The pair of tubular elements are modular to permit supporting one or two superimposed baskets.

The principle difference between the shopping cart as defined in Claim 1 of the present application and the Lauto patent resides in the fact that the shopping cart of Lauto does not have a base but is simply formed by two or three stacked baskets. The lowermost of which is equipped with wheels. In contrast, the shopping cart of the present invention as defined in Claim 1 has a base member separable from the baskets and which is provided with wheels. More importantly, an intermediate upright element can be detachably connected to the base member for supporting the thrust part at a greater height than when the thrust part is secured to the base

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member. Since Lauto fails to disclose a wheeled base member and an intermediate upright element detachably connected to the base, each of which is designed to support a basket container it is not seen how Claim 1 could possibly be anticipated by Lauto or even obvious in view of the teachings of Lauto. Therefore, it is submitted that Claim 1 as well as 2-10 inclusive which are dependent directly or indirectly from Claim 1. Accordingly, it is not deemed necessary to discuss the secondary rejections of dependent Claims 6, 7 and 8. In view of the foregoing amendments and arguments it is submitted that Claims 1-10 inclusive are not anticipated by Lauto and it is respectfully requested that these claims be allowed and the application passed to issue forthwith.

If for any reason the Examiner is unable to allow the application on the next Office Action and feels that an interview would be helpful to resolve any remaining issue, the Examiner is respectfully requested to contact the undersigned attorney for the purpose of arranging such an interview.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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WASHINGTON OFFICE

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AMENDMENTS TO THE DRAWINGS

Copies of Figures 1 and 3 are submitted herewith showing the proposed addition of
reference numeral 18 in red for approval

Attachment: 2 Annotated Sheets (figures 1 and 3)